

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-CR-258-D
No. 5:11-CV-367-D

RODNEY EARL CANNADY

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

On June 27, 2016, Rodney Earl Cannady (an inmate serving a 384-month federal sentence) moved for reimbursement of \$2,815.00 that the Louisburg Police Department seized from him on July 9, 2008, in connection with his arrest. See [D.E. 88, 88-1]. On July 11, 2016, the government responded in opposition. See [D.E. 92]. As explained below, the motion is denied.

The Drug Enforcement Administration (“DEA”) adopted the seizure of the cash and proceeded with administrative forfeiture pursuant to 19 U.S.C. § 1607 and 18 U.S.C. § 983(a). See [D.E. 92-1] (Declaration of Vicki L. Rashid, Forfeiture Counsel, ¶ 4(a)). On August 20, 2008, the DEA sent written notice to Cannady at his last known address. Id. at ¶ 4(b). On August 22, 2008, an individual with the last name of Cannady accepted delivery of the notice. Id. The DEA also provided notice via publication in accordance with 19 U.S.C. § 1607(a). See id. ¶4(c). Cannady was not incarcerated when the notice was delivered or published. See [D.E. 92] 2. Cannady did not respond to the notice. See id.

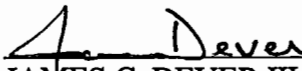
On September 10, 2008, Cannady was arrested on federal charges. See id. After the statutorily mandated time for contesting the forfeiture expired, DEA declared the seized currency

forfeited. See [D.E. 92-1] ¶ 4(d). In his motion, Cannady argues that criminal forfeiture procedures were not followed. See [D.E. 88].

There was no criminal forfeiture in this case. Rather, this forfeiture was administrative. Cannady received notice and failed to timely respond. Thus, Cannady's argument fails.

In sum, Cannady's motion [D.E. 88] lacks merit and is DENIED.

SO ORDERED. This 18 day of July 2016.



JAMES C. DEVER III
Chief United States District Judge